

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

IN RE FOUR APPLICATIONS FOR SEARCH
WARRANT SEEKING INFORMATION
ASSOCIATED WITH PARTICULAR
CELLULAR TOWERS
A/K/A TOWER-DUMP WARRANTS

Crim. No. 3:25cr38-CWR-ASH

RESPONSE TO MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

The United States of America states the following in response to the motion of the American Civil Liberties Union (“ACLU”), the ACLU of Mississippi, the Electronic Frontier Foundation, and the Mississippi Office of the State Public Defender (“Proposed Amici”) for leave to file an *amicus curiae* brief:

If the Proposed Amici seek to file a brief that is limited to the legal issues raised in the two public orders issued by the magistrate judge (Dkt. Nos. 6 and 19), the government does not oppose the motion so long as it is timely filed on the same day that the government’s motion for review is due and the filing is in full compliance with all applicable rules, including the local rules of this Court. The government opposes any request for extension of time to file the brief.

The government also opposes the motion to the extent the Proposed Amici seek any factual information or detail that is a part of the underlying criminal conduct or investigation, forms the basis of the search warrant applications, or is otherwise not contained in the two public orders issued by the magistrate judge (Dkt. Nos. 6 and 19). The government further opposes the motion to the extent that it requests oral argument or any other public hearing.¹

¹ The Proposed Amici state they “would welcome the opportunity to be heard at oral argument if useful to the Court.” Motion, at 6, Dkt. 10. Should the court request oral argument on the government’s motion, the government opposes Proposed Amici’s request to appear. Public oral argument involving an ongoing criminal investigation, and allegations of actors’ criminal misconduct prior to any charges, carries the risk of the disclosure of confidential information about an ongoing criminal investigation and the actors allegedly involved in that misconduct.

The search warrants and applications are rightly filed under seal, as they contain information about an ongoing criminal investigation. Revealing factual details of the investigation may jeopardize the investigation and potentially put members of the public and law enforcement at risk. It may also prematurely identify targets and suspects. The government's past and future filings and any hearing on the filings necessarily divulge the recitation of facts from a confidential investigation, many of which are already under seal in the search warrant applications. Therefore, the government's non-opposition to the Proposed Amici's request to file a brief is conditional on that brief being limited to the legal issues raised in the two orders (Dkt. Nos. 6 and 19).

The United States submits its position is in the best interests of the public in both freely permitting the Proposed Amici the ability to comment on the legal issues before the Court while also protecting the integrity of an ongoing criminal investigation and the safety of the public and law enforcement.

ACCORDINGLY, the United States does not oppose the motion to the extent the Proposed Amici seek to file a brief on the legal issues raised in the two public orders issued by the magistrate judge (Dkt. Nos. 6 and 19) and so long as the brief is timely filed, without extension, and in compliance with all applicable rules. The government requests the Court deny the motion to the extent the Proposed Amici seek to be privy to any factual information or detail that is a part of the underlying criminal conduct or investigation, forms the basis of the search warrant applications, or is otherwise not contained in the two public orders issued by the magistrate judge (Dkt. Nos. 6 and 19).

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2025, I electronically filed the foregoing Response with the Clerk of the Court using the Electronic Case Filing System (ECF), which served to send notification of this filing to counsel of record.

This the 14th day of July, 2025.

/s/Lakeita F. Rox-Love
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